

Bryn McCarty, City Planner

Sandra Llewellyn, Planning Administrative Coordinator
Heather Upshaw, Planner III
Cindy Quick, Deputy Recorder
Blake Thomas, City Engineer
John Brems, City Attorney

Guests: Please see the attendance sign in sheet.

1. GENERAL BUSINESS:

Chair Smith welcomed those in attendance.

- 1.1 [7:08:27 PM](#) Reverence / Thought: [Keri Dautel](#)
- 1.2 [7:08:59 PM](#) Pledge of Allegiance: [David Watts](#)
- 1.3 [6:59:28 PM](#) Roll call: [Full Quorum, Blayde Hamilton, Robyn Shakespear and Jessica Morton absent](#)
- 1.4 [6:59:42 PM](#) Approval of Minutes for: [August 6, 2015](#)

Commissioner Adam Jacobson **MOVED** to approve the minutes for August 6, 2015.

Commissioner Jeremy Burkinshaw **SECONDED** the motion.

Chair Smith asked for a vote. The vote was as follows:

Commissioner Jeremy Burkinshaw	Yes
Commissioner Chris Berbert	Yes
Commissioner Adam Jacobson	Yes

Vote passed.

Motion carried.

Chair Smith read the public hearing/public comment policy and procedure.

2. Administrative Items:

Administrative items are reviewed based on standards outlined in the ordinance. Public comment is taken on relevant and credible evidence regarding the application's compliance with the ordinance.

- 2.1 [7:01:27 PM](#) **02P15** – Demie – 13727 S Rocky Point Drive – Reasonable Accommodation for a Residential Recovery Facility – Zone: A-1 – Acres: 1.4

Chair Smith explained that public comment was allowed at the last meeting for this item and several emails had been received since that meeting and the planning commission had reviewed those emails. No public comment will be allowed tonight and no decision will be made.

Planner III, Heather Upshaw reiterated that at the last meeting a discussion with the applicant and comments from residents were received. Planning Commission asked for additional information and staff has not received anything at this point. She turned the time over to the applicant.

Mike Demie and Deborah Wayman (applicant), 4237 W. Park Hollow Ln., Riverton, UT questioned the commission about requesting a plat map. Chair Smith explained that the commission was asking for any

additional information he would like to provide to the commission. Mr. Demie thought the commission would go and look at the property regarding parking. He didn't understand that they wanted a map. He mentioned that he would happily provide it. Ms. Wayman commented that she responded to a list of questions regarding residents concerns as to what the population would look like and how the program would be managed, as well as, the facility itself. Responses included parking, garbage disposal and signage. Chair Smith referred those in attendance to obtain the sheet to address their concerns.

Mr. Demie asked to address any further questions from the commission. Commissioner Adam Jacobson reminded applicant that he would like to see a site plan showing the parking and layout, plans for improvement and a layout of the building showing the rooms and how they will be used. Commissioner Chris Berbert would like him to include where the alarms and security will be regarding the concern of safety.

Mr. Demie questioned whether or not a fence would be required and expressed that he wanted the plan to show whatever it would take to get the commission to feel okay with his proposal.

Ms. Wayman reiterated what the commission was requesting. She summarized that the commission was looking for a construction plan with renovations to the property and a program plan of how they will manage, and who they are managing. She reported that the document she provided to the commission would explain how they will manage the program and who they are going to manage. She stated that they have no concerns of safety and no business parking will be provided; No structural changes will be taking place on the facility. She affirmed that she would prepare a layout for each of the existing bedroom structures and mentioned that two dens will be used as treatment rooms. She informed the commission that a layout explaining what each room will be used for will be provided.

Commissioner Chris Berbert asked the applicant if there were any impact studies of a facility like this one going into a neighborhood, in regards to safety. Ms. Wayman replied that she will do research to see if there are studies with existing facilities in neighborhood areas.

Commissioner Adam Jacobson requested the site plan to cover the two to five average parking for the workers and the requirement for seven people in a three room house; he would like to see it on a plan. Ms. Wayman acknowledged the request.

Chair Smith stated that the item was not on for a decision. The decision will be a written decision provided at a future time. He mentioned that the commission would wait for the applicant to provide further information so that an informed decision can be made. It will be continued to September 3rd

Commissioner Chris Berbert **MOVED** to continue this item to September 3, 2015.

Commissioner Jeremy Burkinshaw **SECONDED** the motion.

Chair Smith asked for a vote. The vote was as follows:

Commissioner Jeremy Burkinshaw	Yes
Commissioner Chris Berbert	Yes
Commissioner Adam Jacobson	Yes

Vote passed.

Motion carried.

2.2 [7:11:20 PM](#) [38C14-02](#) – Bowler Properties – 12200 S 5600 W – Building Elevation Approval for Pod #4 of the Miller Crossing Development – Zone: R-2-10 – Acres: 18.24 Units: 73

Planner III, Heather Upshaw explained that the pod was approved at the last meeting. Elevations were required to come back with a materials board. This is for a single family development.

Applicant was not present. Elevations were made available but there were no material boards presented. Commissioner Jeramy Burkinshaw **MOVED** to continue this item to the next meeting on September 3, 2015

Commissioner Chris Berbert **SECONDED** the motion.

Chair Smith asked for a vote. The vote was as follows:

Commissioner Jeramy Burkinshaw Yes

Commissioner Chris Berbert Yes

Commissioner Adam Jacobson Yes

Vote passed.

Motion carried.

2.3 7:13:22 PM **24C13** – Bach Investments – 6412 W 13100 S – Proposal for a 2 Year Extension on an Approved Detached Garage – Zone: R-1-15 – Acres: .40

Planner III, Heather Upshaw oriented the commission with an aerial maps and explained that the applicant has not started construction and this proposal is to extend so the applicant does not lose his approval. She showed a site plan.

Randy Rindlisbacher (applicant), Bach Investments, 13958 S. Newburg Dr., did not have an elevation. He hasn't been able to afford to build the garage and is fine with the same conditions approved last time, which did specify the materials on the façade.

Chair Smith asked for what was approved for the exterior. Randy stated it was condition number 7 stated that the south and east side of the garage would match the colors and materials of the front elevation of the home. Mr. Rindlisbacher is fine with that requirement. He just would like a couple more years.

Commissioner Adam Jacobson **MOVED** to approve this item with staff recommendations and the south and east side of the garage shall match the colors and materials of the front elevation of the home.

Commissioner Chris Berbert **SECONDED** the motion.

Chair Smith asked for a vote. The vote was as follows:

Commissioner Jeramy Burkinshaw Yes

Commissioner Chris Berbert Yes

Commissioner Adam Jacobson Yes

Vote passed.

Motion carried.

2.4 7:17:34 PM **24C15** – Poulson – 12469 Cheval Court – Proposed Secondary Unit – Zone: A-.25 Acres: .33

Planner III, Heather Upshaw oriented the commission with an aerial map. It is in an agricultural zone which is a conditional use to rent the basement. Staff recommended approval with typical requirements. Images of the home were shown. There is area for an off street parking which is required.

Brian Poulson (applicant), 12469 S. Cheval Ct., explained that he will have an outside entrance at the back of the home and plans to make additional parking. It will be a one bedroom apartment with a main living area. This apartment is planned for a family member and as additional revenue.

Commissioner Adam Jacobson **MOVED** to approve this item with staff requirements.

Commissioner Jeremy Burkinshaw **SECONDED** the motion.

Chair Smith asked for a vote. The vote was as follows:

Commissioner Jeremy Burkinshaw Yes

Commissioner Chris Berbert Yes

Commissioner Adam Jacobson Yes

Vote passed.

Motion carried.

2.5 7:20:51 PM ~~21S15~~ – Schmidt – 7447 Hi Country Road – Proposed Subdivision
Approval for 2 Single Family Lots – Zone: A-1 – Acres: 1.08 (PUBLIC HEARING)

Planner III, Heather Upshaw oriented the commission with an aerial map. The property proposed is just over one acre. The site plan showed a private drive and each lot was outlined. It was consistent with the general plan for lot sizes. When the road becomes a city road, the applicant would pay a fee in lieu for curb, gutter and sidewalk. Other images were shown. Item 3.2 is for a rezone from A.1 – A.5 and the two items were discussed together.

Eric Schmidt (applicant), 7994 S 3530 W, felt that all information he needed had been covered and that all his questions had been answered.

7:23:36 PM Chair Smith opened this item for public comment and called for any citizen who would like to speak on this item to come to the podium, fill out a comment form and state their name and address for the record.

Citizen Comments:

Thomas Walk, 13323 S. 7530 W., hoped the applicant would leave the barn on the property and wondered about the size of home that would be built. He also wondered if the applicant would be living on the property and whether or not he would have to install curb and gutter or would there just be a dirt road. The response was that the driveway would require an asphalt road back to the second unit, but no curb and gutter along the driveway. The public street does have a requirement for curb, gutter and sidewalk but will be taken care of with a fee in lieu and finished at a later date.

7:26:04 PM Chair Smith closed the public hearing for both items.

Mr. Schmidt responded that the size of homes will be between 2,500-3,500 square feet finished and could be a rambler or two-story style but consistent with the area. The homes will be for sale.

Chair Smith turned time over to the commission for further discussion. Commissioner Adam Jacobson questioned about a fence requirement for flag lots. He would like to see a fence along the driveway and as a protection between the two lots. Commissioner Chris Berbert agreed with Commissioner Jacobson.

7:29:11 PM Commissioner Adam Jacobson **MOVED** to approve this item with recommendations from staff and an addition of item 9 to have a three foot solid vinyl fence along the driveway up to the front set back and a six foot vinyl fence to the rear lot line and across the rear lot line to separate the two lots.

Commissioner Chris Berbert **SECONDED** the motion.

Chair Smith asked for a vote. The vote was as follows:

Commissioner Jeremy Burkinshaw Yes

Commissioner Chris Berbert Yes

Commissioner Adam Jacobson Yes

Vote passed.

- Motion carried.
- 3.2 [7:28:19 PM](#) **20Z15** – Schmidt – 7447 Hi Country Road – Proposed Rezone from A-1 to A-.5 Zone: A-1 – Acres: 1.08 (PUBLIC HEARING)

Commissioner Jeramy Burkinshaw **MOVED** to recommend to the city council approval of this item.

Commissioner Adam Jacobson **SECONDED** the motion.

Chair Smith asked for a vote. The vote was as follows:

Commissioner Jeramy Burkinshaw Yes

Commissioner Chris Berbert Yes

Commissioner Adam Jacobson Yes

Vote passed.

Motion carried.

3. **Legislative Items:**

Legislative items are recommendations to the City Council. Broad public input will be taken and considered on each item. All legislative items recommended at this meeting will be scheduled for a decision at the next available City Council meeting.

- 3.1 [7:30:58 PM](#) **10Z15** – KW Advisory Group – 7360 W 13300 S – Proposed Rezone from A-1 to A-.25 Zone: A-1 – Acres: 16.01 (Public Hearing held on 05/07/15)

Planner III, Heather Upshaw oriented the commission with an aerial map. The property is located off Herriman Highway; part of the property is in the city and part is in the county. An annexation is scheduled to be completed in January 2016. The applicant submitted a conceptual layout of a subdivision with a conceptual round-about on the main road. The zone does meet the general plan with density criteria starting at 1.8.

Colby Bond, KW Advisory Group, 1514 W. 925 S., Syracuse, thanked the commission for their time and the opportunity to meet with them at the last work meeting. He reported meeting with Blake Thomas, City Engineer and Jonathan Bowers, Assistant City Engineer. The access for the round-about does not line up with the concept but he will work through it with staff. He is requesting a rezone so that he can start the design.

Chair Smith reported that the commission did receive direction from City Council for this entrance into the city. The look and feel for that area was discussed at the last work meeting. Blake Thomas, City Engineer explained that there is a high pressure gas line running through the area that follows the grade and works with the drainage. Moving the line would be very expensive so the location of that line is set where it has to go. The bus stop exit is further east than the proposed intersection and the round-about will need to slow traffic speeds to 25mph. Commissioner Adam Jacobson asked what the grade was, the response was four to five percent.

Chair Smith turned to the commission for further discussion. Commission consensus felt that the rezone makes sense here and reiterated that it is tied to the approval of the annexation.

Commissioner Chris Berbert **MOVED** to approve with staff recommendations.

Commissioner Adam Jacobson **SECONDED** the motion.

Chair Smith asked for a vote. The vote was as follows:

Commissioner Jeramy Burkinshaw Yes

Commissioner Chris Berbert Yes

Commissioner Adam Jacobson Yes

Vote passed.

Motion carried.

4. **New Items of Subsequent Consideration:**

None

5. **Future Meetings:**

5.1 City Council Meeting - Wednesday, **August 26, 2015** @ 7:00 PM

5.2 Next Planning Commission Meeting - Thursday, **September 3, 2015** @ 7:00 PM

6. **ADJOURNMENT:**

Chair Clint Smith called for a motion to adjourn into a closed meeting.

Commissioner Chris Berbert **MOVED** to adjourn into a closed meeting to act in a quasi-judicial capacity to act on a reasonable accommodation filed by Michael Demie and Herriman Enterprises, LLC with respect to property located at 13727 S. Rocky Point Drive pursuant to the authority identified by the Utah Supreme Court in *Dairy Product Services, Inc. v. City of Wellsville*, 13 P.3d 581, 595 (Utah 2000).

Commissioner Adam Jacobson **SECONDED** the motion.

Chair Smith asked for a vote. The vote was as follows:

Commissioner Jeramy Burkinshaw Yes

Commissioner Chris Berbert Yes

Commissioner Adam Jacobson Yes

Vote passed.

Motion carried.

The meeting adjourned to closed session at **7:38:49 PM**.

7. **CLOSED MEETING:**

Closed Meeting for the Planning Commission to act in a quasi-judicial capacity to act on a reasonable accommodation filed by Michael Demie and Herriman Enterprises, LLC with respect to property located at 13727 S Rocky Point Drive pursuant to the authority identified by the Utah Supreme Court in *Dairy Product Services, Inc. v. City of Wellsville*, 13 P.3d 581, 595 (Utah 2000).

Chair Clint Smith called for a motion to adjourn the closed session.

Commissioner Jeramy Burkinshaw **MOVED** to adjourn the closed meeting.

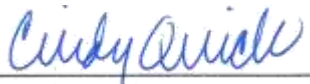
Commissioner Chris Berbert **SECONDED** the motion

The voting was unanimous.

Motion carried.

The meeting adjourned at 8:13pm

I, Cindy Quick, Deputy Recorder of Herriman City hereby certify that the foregoing minutes represent a true, accurate and complete record of the meeting held on August 20, 2015. This document constitutes the official minutes for the Herriman City Planning Commission Meeting.



Cindy Quick, CMC
Deputy Recorder